

01
02
03
04
05
06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 PETER SPYTEK,

09 Plaintiff,

10 v.

11 MICHAEL J. ASTRUE, Commissioner
of Social Security Administration,

12 Defendant.
13

)
) Case No. C08-0421-JCC
)
)
)

) ORDER DENYING DEFENDANT'S
) MOTION TO DISMISS
)
)
)

14 The Court, having reviewed defendant's motion, all papers and exhibits filed in support
15 and opposition thereto, the Report and Recommendation of the Honorable James P. Donohue,
16 United States Magistrate Judge, and the balance of the record, does hereby find and ORDER:

- 17 (1) The Court adopts the Report and Recommendation;
18 (2) Defendant's Motion to Dismiss (Dkt. No. 4) is DENIED, and the Appeals
19 Council is afforded sixty days to rule on plaintiff's exceptions.
20 (3) The Clerk is directed to send copies of this Order to the parties and to Judge
21 Donohue.

22 DATED this 7th day of August, 2008.

23
24 
25 JOHN C. COUGHENOUR
26 United States District Judge